

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4830

To amend title 18 of the United States Code with respect to the admissibility of certain evidence.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1994

Mr. COOPER (for himself, Mr. GORDON, Mr. BREWSTER, Mrs. LLOYD, Mr. TANNER, Mr. CLEMENT, Mr. SANTORUM, Mr. ANDREWS of New Jersey, Mr. TAUZIN, Mr. MCCURDY, Mrs. JOHNSON of Connecticut, Mr. PENNY, Mr. GUNDERSON, Mr. MORAN, and Mr. MAZZOLI) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18 of the United States Code with respect to the admissibility of certain evidence.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ADMISSIBILITY OF CERTAIN EVIDENCE.**

4 Chapter 223 of title 18, United States Code, is  
5 amended by adding at the end the following:

6 **“§ 3509. Admissibility of evidence obtained by search**  
7 **or seizure**

8 **“(a) EVIDENCE OBTAINED BY OBJECTIVELY REA-**  
9 **SONABLE SEARCH OR SEIZURE.—Evidence which is ob-**

1 tained as a result of a search or seizure shall not be ex-  
2 cluded in a proceeding in a court of the United States  
3 on the ground that the search or seizure was in violation  
4 of the fourth amendment to the Constitution of the United  
5 States if the search or seizure was carried out in cir-  
6 cumstances justifying an objectively reasonable belief that  
7 it was in conformity with the fourth amendment. The fact  
8 that evidence was obtained pursuant to and within the  
9 scope of a warrant constitutes prima facie evidence of the  
10 existence of such circumstances.

11 “(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR  
12 RULE.—Evidence shall not be excluded in a proceeding  
13 in a court of the United States on the ground that it was  
14 obtained in violation of a statute, an administrative rule  
15 or regulation, or a rule of procedure unless exclusion is  
16 expressly authorized by statute or by a rule prescribed by  
17 the Supreme Court pursuant to statutory authority.

18 “(c) RULE OF CONSTRUCTION.—This section shall  
19 not be construed to require or authorize the exclusion of  
20 evidence in any proceeding.”.

21 (b) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of chapter 223 of title 18, United States  
23 Code, is amended by adding at the end the following:

“3509. Admissibility of evidence obtained by search or seizure.”.

